

### Remarks

This Request for Continued Examination and Reply is in response to the Final Office Action mailed March 24, 2008.

#### I. Summary of Examiner's Rejections

In the Office Action dated March 24, 2008, Claims 1, 5-9, 12-14, and 17-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (U.S. Patent Number 6,774,939) in view of Frederick (U.S. Patent Number 5,757,424).

#### II. Summary of Applicant's Amendments

The present Reply amends Claims 1 and 14; adds Claims 23-24; and cancels Claims 12-13, leaving for the Examiner's present consideration Claims 1, 5-9, 14, and 17-24. Reconsideration of the Application, as amended, is respectfully requested.

#### III. Claim Rejections Under 35 U.S.C. § 103

In the Office Action dated March 24, 2008, Claims 1, 5-9, 12-14, and 17-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (U.S. Patent Number 6,774,939) in view of Frederick (U.S. Patent Number 5,757,424).

#### Claim 1

Claim 1 has been amended to more clearly define the embodiment therein. As amended, Claim 1 defines:

1. *(Currently Amended) A method for managing audio devices located at a live event during the live event, comprising:  
capturing video content of the live event at a first location, the video content having pixels associated with a plurality of the audio devices located at the first location;  
providing the video content of the live event captured at the first location to a user at a second location during the live event;  
receiving a selection of a first group of pixels, the selection made by a user during the live event, the first group of pixels within the video content;  
selecting the audio device at the first location associated with the first group of pixels; and  
providing live audio from the selected audio device at the first location to the user at the second location.*

Claim 1, as amended, defines a method for managing audio devices located at a live event during the live event. The method comprises capturing video content of the live event at a first location, the video content having pixels associated with a plurality of the audio devices located at the first location. The method also comprises providing the video content of the live event captured at the first location to a user at a second location during the live event and receiving a selection of a first group of pixels, the selection made by a user during the live event, the first group of pixels within the video content. The method further comprises selecting the audio device at the first location associated with the first group of pixels and providing live audio from the selected audio device at the first location to the user at the second location.

Peng discloses an audio-attached image recording and playback device that allows one or more audio files to be associated with a single image file using an audio file identifier for each audio file. (Abstract). The device can include a monitor for displaying a captured image or for playing back a previously captured image, an image capture for generating an image file, an audio recorder for generating an audio file, an audio player for playing back a previously recorded audio file, and a memory for storing image files and audio files and for retrieving those files. (Column 5, lines 27-32).

Frederick discloses a system that enables high-resolution videoconferencing images to be transmitted, without extreme demands on bandwidth. (Abstract). In the system of Frederick, there is a "general camera" indicated as G, which is focused on an entire scene, here the two persons. Further, there are also provided two "specific" cameras, a first specific camera S1 focused generally on one of the two persons, and a second specific camera S2, focused on the other person. (Column 3, lines 46-51; Figures 1 and 2). Also shown in FIG. 1, viewing the videoconferencing scene is a "mosaicing" camera indicated as M. The purpose of the mosaicing camera M is to sample individual small portions, or screens, of the whole general scene, such as viewed as general camera G, in sequence and then "mosaic" the individual small portions into a single coherent scene, or "composite image," which simulates the field of view shown by general camera G. (Column 3, lines 57-64; Figure 1).

Claim 1 has been amended to more clearly define providing the video content of the live event captured at the first location to a user at a second location *during the live event*. Claim 1 has also been amended to more clearly define providing *live* audio from the selected audio device *at the first location* to the user *at the second location*. Applicant respectfully submits that the embodiment of Claim 1 is not anticipated or rendered obvious by the cited references.

Applicant respectfully submits that there would have been no reason for a person of ordinary skill in the art to have combined Peng and Frederick. As described above, Peng appears to disclose a single device that can be used to capture images and attach audio files to regions of the images. Both the captured images and the attached audio appear to be prerecorded and then edited together. Later, the user can show the captured images and play the attached audio by selecting portions of the images. Frederick, however, appears to disclose managing a plurality of video devices to minimize the bandwidth required for teleconferencing. Examiner suggests that one of ordinary skill in the art would have been motivated to combine these references so as to edit the video before being broadcasted. However, such a motivation teaches away from this combination. Frederick is directed to real-time video conferencing and appears to reduce the required bandwidth for the real-time video in order to minimize its "jerkiness". Combining Frederick with Peng to add an editing step prior to broadcast adds delay and frustrates the real-time purpose of the invention of Frederick.

Assuming a person of ordinary skill in the art did choose to combine Peng and Frederick, the result would allow a user in Peng to capture video of an event from a remote location. Later, after the event was captured, the user could edit the video according to Peng, by associating audio files with regions of the captured video. This combination still fails to disclose the embodiment of Claim 1. Neither Peng nor Frederick disclose or render obvious selecting the *audio device* at the first location associated with the first group of pixels and providing *live* audio from the selected audio device at the first location to the user at the second location. The embodiment of Claim 1 is not simply a predictable use of the elements of Peng and Frederick according to their previously established functions. Applicant respectfully submits that Peng in view of Frederick does not disclose or render obvious the embodiment of Claim 1.

In view of the above comments, Applicant respectfully submits that Claim 1, as currently amended, is neither anticipated by nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

### **Claim 5**

The comments provided for Claim 1 are herein incorporated by reference. Examiner asserts that the features of Claim 5 are disclosed or rendered obvious by Figure 1 and Column 3, lines 46-55 of Frederick in view of Peng. Figure 1 of Frederick appears to show several video devices focused on two people. These devices are described in the cited section of Frederick as including a

general camera, G, and two specific cameras, S1 and S2. There appears to be no disclosure in this section regarding a plurality of *audio* devices.

Claim 5 includes comparing parameters for each audio device and selecting one of the plurality of audio devices. As described above, Peng appears to disclose associating audio files with portions of an image and Frederick discloses managing a plurality of video devices. However, neither reference, alone or in combination, appears to disclose or render obvious comparing parameters for each audio device and selecting one of the plurality of audio devices. Accordingly, Applicant respectfully submits that Claim 5 is neither anticipated by nor obvious in view of the cited references and reconsideration is respectfully requested.

### **Claim 7**

The comments provided for Claim 1 are herein incorporated by reference. Examiner asserts that the features of Claim 7 are disclosed or rendered obvious by Figure 1 and Column 3, lines 46-55 of Frederick in view of Peng. As noted above, Figure 1 of Frederick appears to show several video devices focused on two people. These devices are described in the cited section of Frederick as including a general camera, G, and two specific cameras, S1 and S2. There appears to be no disclosure in this section regarding a plurality of *audio* devices.

Claim 7 includes determining that no audio device is associated with the first group of pixels and determining an alternative audio device. As described above, Peng appears to disclose associating audio files with portions of an image and Frederick discloses managing a plurality of video devices. However, neither reference, alone or in combination, appears to disclose or render obvious determining that no audio device is associated with the first group of pixels and determining an alternative audio device. Accordingly, Applicant respectfully submits that Claim 5 is neither anticipated by nor obvious in view of the cited references and reconsideration is respectfully requested.

### **Claim 9**

The comments provided for Claim 1 are herein incorporated by reference. Claim 9 includes a method of: “automatically selecting a second group of pixels, the second group of pixels associated with a second weight and selected as a result of detecting motion in the video content, the first group of pixels associated with a first weight, wherein providing audio includes providing audio from the audio device associated with the group of pixels associated with the highest weight.”

Examiner cited Figure 1 and Column 3, lines 46-55 of Frederick, in combination with Peng, in rejecting this claim. However, Applicant respectfully submits that this portion of Frederick, in view of Peng, does not disclose or render obvious the embodiment of Claim 9. Claim 9 includes weights associated with the two groups of pixels, the provided audio corresponds to the group with the highest weight. Applicant respectfully submits that Peng, in view of Frederick, does not disclose or render obvious providing audio from the device associated with the group of pixels with the *highest weight* nor does it appear to disclose different groups of pixels having different *weights*.

### **Claims 6, 8, and 17-22**

Claims 6, 8, and 17-22 are not addressed separately but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim and further in view of the comments provided above. Applicant respectfully submits that these claims are similarly neither anticipated by, nor obvious in view of, the cited references and reconsideration thereof is respectfully requested.

### **Claims 12-13**

Claims 12-13 have been canceled, rendering moot the rejection of these claims.

### **Claim 14**

The comments provided above with respect to Claim 1 are hereby incorporated by reference. Claim 14 has been amended similarly to Claim 1. For similar reasons as provided above for Claim 1, Applicant respectfully submits that Claim 14 is similarly neither anticipated nor rendered obvious by the cited references, and reconsideration thereof is respectfully requested.

### **IV. Conclusion**

In view of the above amendments and remarks set forth above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: June 19, 2008

By: /Nathan L. Feld/  
Nathan L. Feld  
Reg. No. 59,725

Customer No. 23910  
FLIESLER MEYER LLP  
650 California Street, 14<sup>th</sup> Floor  
San Francisco, California 94108  
Telephone: (415) 362-3800